

DHF

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- X
ARI WEITZNER, M.D., P.C., et al.

Plaintiffs,

-against-

MICRO-MED, INC.,

Defendant.
----- X

05 CV 2530 (ARR)

NOT FOR ELECTRONIC
OR PRINT
PUBLICATION

ORDER

ROSS, United States District Judge:

On February 10, 2006, counsel for defendant Micro-Med, Inc. filed a letter with the court, requesting a pre-motion conference to discuss his client's intention to file a motion to dismiss for lack of subject matter jurisdiction. Plaintiffs' counsel filed a letter in response rejecting defendant's argument that plaintiffs' cannot proceed as a class action and, therefore, cannot meet the amount in controversy requirement for diversity jurisdiction under 28 U.S.C. § 1332(d). In lieu of conducting a pre-motion conference, the court orders the following briefing schedule: Defendant must serve its motion to dismiss and supporting papers on or before March 17, 2006; plaintiffs must serve their opposition papers on or before April 7, 2006; and defendant must serve its reply, if any, on or before April 14, 2006.

SO ORDERED.

Alyne K. Ross
United States District Judge

Dated: February 24, 2006
Brooklyn, New York

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